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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER
Chairman

Arizona Corporation Commission

2003 JUN -5 P 2:28

JIM IRVIN

DOCKETED

Commissioner

AZ CORP COMMISSION
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WILLIAM A. MUNDELL

JUN - 5 2003

Commissioner

JEFF HATCH-MILLER

DOCKETED BY

Commissioner

MIKE GLEASON

Commissioner

UTILITIES DIVISION STAFF,

Complainant,

vs.

Docket No. T-03889A-02-0796
T-04125A-02-0796

LIVEWIRENET OF ARIZONA, LLC n/k/a THE PHONE
COMPANY MANAGEMENT GROUP, LLC; THE PHONE
COMPANY OF ARIZONA JOINT VENTURE, d/b/a/ THE
PHONE COMPANY OF ARIZONA; ON SYSTEMS
TECHNOLOGY, LLC, and its principals, TIM
WETHERALD, FRANK TRICAMO, DAVID STAFFORD,
MARC DAVID SHINER and LEON SWICKOW; THE
PHONE COMPANY OF ARIZONA, LLP and its members

Respondents.

IN THE MATTER OF THE PHONE COMPANY OF
ARIZONA JOINT VENTURE d/b/a/ THE PHONE
COMPANY OF ARIZONA'S APPLICATION FOR
CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE INTRASTATE TELECOMMUNICATIONS
SERVICE AS A LOCAL AND LONG DISTANCE
RESELLER AND ALTERNATIVE OPERATOR SERVICE.

Docket No. T-04125A-02-0577

IN THE MATTER OF THE APPLICATION OF THE
PHONE COMPANY MANAGEMENT GROUP, LLC f/k/a
LIVEWIRENET OF ARIZONA, LLC TO DISCONTINUE
LOCAL EXCHANGE SERVICE.

Docket No. T-03889A-02-0578

IN THE MATTER OF THE APPLICATION OF THE
PHONE COMPANY MANAGEMENT GROUP, LLC FOR
CANCELLATION OF FACILITIES BASED AND RSOLD
LOCAL EXCHANGE SERVICES.

Docket No. T-03889A-03-0152

IN THE MATTER OF THE APPLICATION OF THE
PHONE COMPANY MANAGEMENT GROUP, LLC d/b/a/
THE PHONE COMPANY FOR THE CANCELLATION
OF ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY.

Docket No. T-03889A-03-0202

**STAFF'S MOTION FOR ORDER
TO COMPEL RESPONSE TO
DATA REQUESTS**

1 On October 18, 2002, the Arizona Corporation Commission Utilities Division ("Staff") filed a
2 complaint and petition for relief against LiveWireNet of Arizona, LLC and The Phone Company of
3 Arizona Management Group LLC d/b/a The Phone Company of Arizona Joint Ventures d/b/a The
4 Phone Company of Arizona, On Systems Technology, LLC, and its principals, Time Wetherald,
5 Frank Tricamo, David Stafford Johnson, and The Phone Company of Arizona, LLP and its members
6 (collectively "respondents").

7 Pursuant to its investigation into the matters involved in the case, Staff has propounded eight
8 sets of data requests to the Phone Company Management Group (PCMG). In response to requests
9 contained in the second set propounded on February 7, 2003, PCMG in its February 13, 2003
10 response promised to provide information answering three requests when it became available, and
11 objected to any production of the requested information in two other requests. On March 24, 2003,
12 Staff filed its Response to Objections and Motion for Order to Compel Response to its requests. On
13 April 11, 2003, Administrative Law Judge Dion granted Staff's motion to compel requiring PCMG to
14 provide the requested information no later than May 2, 2003.

15 On April 23, 24, and 25, 2003, Staff propounded its sixth, seventh, and eighth sets of data
16 requests. (Exhibits A, B, and C, respectively). Responses to these requests were due on May 2,
17 2003. On May 2, 2003, a letter dated April 29, 2003, and signed by Mr. Tim Wetherald, manager of
18 PCMG was filed in this Docket. (Exhibit D). In that Letter Mr. Wetherald indicated PCMG would
19 neither produce the responses required by the April 11, 2003 order, nor any other data requests.

20 On May 6, 2003, Staff counsel placed call to Mr. Mike Glaser, counsel for PCMG. Mr.
21 Glaser advised Staff counsel that he no longer represented PCMG and would not comment on
22 responses other than by reference to Mr. Wetherald's letter. Staff notes that although Mr. Glaser has
23 filed a motion to withdraw from representing PCMG in this matter, Mr. Glaser's motion is still
24 pending. Therefore Mr. Glaser has not yet been relieved of his duties to the Commission in
25 representation of PCMG.

26 On or about May 23, 2003, Mr. Wetherald called Staff counsel stating he would provide
27 responses to Staff's sixth, seventh, and eighth sets of requests no later than May 28, 2003. However,
28 as of the date of this filing, PCMG has not produced the responses required by the April 11, 2003

1 procedural order or responses to Staff's sixth, seventh, or eighth sets of requests.

2 Staff's efforts reflect a good faith effort on its part to resolve the discovery dispute as required
3 under Ariz.R.Civ.P. 37(a)(2)(C). Staff asks that the Administrative Law Judge order PCMG to
4 provide the information requested in Staff's sixth, seventh, and eighth sets of data requests. Staff
5 further requests that the Administrative Law Judge allow PCMG no more than five calendar days to
6 comply with his order, should he decide to issue same.

7 RESPECTFULLY SUBMITTED this 5th day of June, 2003.

8 ARIZONA CORPORATION COMMISSION

9
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1 Original and 21 copies of the foregoing filed
2 this 5th day of June, 2003, with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington
6 Phoenix, Arizona 85007

7 Copy of the foregoing hand-delivered/mailed
8 this 5th day of June, 2003, to:

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14 Phoenix, Arizona 85007

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